

Remarks

Claims 2 and 3 are cancelled. Claims 1, 4, 10, 16, 17, 26, 27 and 29 are amended. Accordingly, claims 1, 4 to 14 and 16 to 29 are pending in this application of which claims 1, 16, 17, 26, 27 and 29 are in independent form.

Claim 3 was objected to because the claim did not define a specific direction vis-a-vis the reference to the first attachment element. Claim 1 is amended herein to incorporate the subject matter of claims 2 and 3 and now more carefully recites the direction as being toward the ocular and away from the first attachment element. Thus, claim 1 now incorporates the feature and limitation:

"said base attachment element being at a location shifted in a direction toward said ocular away from said first attachment element so as to place said base attachment element closer to said ocular than said first attachment element;"

With the above clause, the direction is now defined as toward the ocular and away from the first attachment element so that claim 3 should now be clear of the informality objected to.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by Markosky. The applicants will now show that claim 1, as amended, patentably distinguishes their invention over this reference.

Markosky discloses no new attachment to a stand which is arranged in a direction toward the ocular. The feature 27 is a threaded stud for engaging a camera tripod and, as can be seen in FIG. 1 of Markosky, is clearly disposed away from the ocular and

therefore does not consider the new center of gravity of the overall system depicted in FIG. 1 of this reference, namely, the camera, binocular and mounting bracket.

In contrast to Markosky, applicants provide a base attachment element having a location which considers the center of gravity of the entire system. Thus, claim 1 is amended to incorporate the clauses:

"said glass having a first center of gravity and said arrangement, said camera and said glass conjointly defining a second center of gravity at a location different from the location of said first center of gravity; and,

said location of said base attachment element being selected to consider said second center of gravity to provide more stable mounting of said arrangement when mounted on said stand."

There is no suggestion anywhere in Markosky which could lead our person of ordinary skill to arrive at the above features and limitations of claim 1 as now amended. Indeed, the threaded stud 27 is indeed far away from the center of gravity as is evident from FIG. 1 of Markosky.

In view of the above, applicants submit that claim 1 patentably distinguishes their invention over this reference and should be allowable. Claims 4 to 14 are all dependent from claim 1 so that these claims too should now be allowable.

Independent claims 17, 26, 27 and 29 were also rejected under 35 USC 102(b) as being anticipated by Markosky. The applicants will now show that these claims also patentably distinguish their invention over Markosky.

Markosky discloses a camera which can be folded away

downwardly, namely, by 180° as shown in phantom outline of FIG. 1 of this reference. No ball joint is disclosed. The camera, which is folded downwardly, disturbs a viewer who must lean over the camera in order to look into the ocular of the binocular. In addition, the camera objective can become dirtied or scratched when the viewer leans over the camera. This can happen, for example, because of buttons on the jacket worn by the viewer which almost always would come in contact with the camera objective. The longer the camera objective, the more disturbing this position of the camera is to the viewer. Furthermore, the pivoting away of the heavy camera is associated with a force. A rapid pivoting away of the camera is made difficult because of the long pivot path of 180°. In contrast to Marcosky, the camera in the applicants' invention is pivoted laterally away from the ocular. To emphasize this feature, claim 26, for example, is amended so that it now includes the feature and limitation of:

"means for pivoting said holder and said camera about a point lying approximately on said optical axis so as to cause said camera to be pivoted laterally away from said ocular." (emphasis added)

Nowhere in Marcosky is there any suggestion which would enable our person of ordinary skill to arrive at the above feature and limitation so that claim 26 also patentably distinguishes the applicants' invention over Marcosky. Claims 17, 27 and 29 have been amended to also incorporate the above feature and limitation so that these claims too should now be allowable as should claim 28 which is dependent from claim 27.

Independent claim 16 was rejected under 35 USC 103(a) as being unpatentable over Marcosky. This claim too is amended to

incorporate the feature that the camera is pivoted laterally away from the ocular. Thus, claim 16 includes the clause:

"means connected to said ball joint
for pivoting said camera laterally away
from said ocular." (emphasis added)

As noted above, this feature is nowhere suggested in Marcosky.

Claim 16 contains the further feature and limitation of:

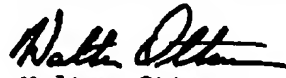
"said base including a ball joint;"

There is also no suggestion anywhere in Marcosky which could lead our person of ordinary skill to hit upon this feature of claim 16. As pointed out in the action, Marcosky discloses using a generic hinge and not "a ball joint" so that it would not be possible for the generic hinge of Marcosky to provide for a lateral pivoting away of the camera as provided in applicants' claim 16.

In view of the above, applicants submit that claim 16 should now also patentably distinguish their invention over Marcosky and be allowable.

For the reasons advanced above, reconsideration of the application is earnestly solicited.

Respectfully submitted,


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